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OFFICE OF PETITIONS

In re Patent No. 7,470,751	:
Taylor et al.	:
Issue Date: December 30, 2008	: DECISION ON REQUEST FOR
Application No. 10/711,481	: RECONSIDERATION OF
Filed: September 21, 2004	: PATENT TERM ADJUSTMENT
Attorney Docket No. JD-347	: AND NOTICE OF INTENT
Title: STABILIZED WATER-BORNE	: TO ISSUE CERTIFICATE OF
POLYMER COMPOSITIONS FOR USE AS	: CORRECTION
WATER-BASED COATINGS	:

This is a decision on the petition under 37 CFR 1.181 filed on May 29, 2009, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred ninety-five (995) days. The petition was filed within two months of a decision by the Office mailed on March 30, 2009 dismissing applicants' request for reconsideration of PTA under 37 CFR 1.705(d).

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred ninety-four (994) days is **GRANTED to the extent indicated herein.**

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on September 22, 2007 and ends on August 11, 2008, the day before the RCE was filed, and is 325 days. See 35 U.S.C. 154(b)(1)(B)(i). There are 10 days which overlap. As such, the patent term adjustment is 994, not 995 days.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in

accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred ninety-four (994) days**.

Telephone inquiries specific to this matter should be directed to Petitions Attorney, Charlema Grant at (571) 272-3215.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

Cc: FOLEY & LARDNER LLP
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,470,751 B2

DATED : December 30, 2008

DRAFT

INVENTOR(S) : Taylor et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 679 days

Delete the phrase "by 679 days" and insert – by 994 days--